

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

AMERICAN CIVIL LIBERTIES UNION, and  
AMERICAN CIVIL LIBERTIES UNION OF  
MASSACHUSETTS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
JUSTICE, FEDERAL BUREAU OF  
INVESTIGATION, and DRUG  
ENFORCEMENT ADMINISTRATION

Defendants.

C.A. No. 1:19-CV-12242-WGY

JOINT MOTION TO STAY PROCEEDINGS

The United States Department of Justice, Federal Bureau of Investigation and Drug Enforcement Administration (collectively “Defendants”), by their attorney, Nathaniel R. Mendell, Acting U.S. Attorney for the District of Massachusetts, together with the American Civil Liberties Union and American Civil Liberties Union of Massachusetts (collectively “Plaintiffs”) respectfully request the Court to stay this action.

As the Court may have discerned, the parties have been having cordial, ongoing discussions regarding the FBI’s production in this matter. The FBI continues to process records responsive Plaintiffs’ FOIA request. In its last motion to extend the date for filing of summary judgment, Defendants advised the Court that it intended to make a production on August 27, 2021 and that it was expanding its search to include additional terms not previously searched. (ECF No. 37). At the time, the Parties predicted that Defendants would be able to file a Motion for Summary Judgment by October 15. However, the expanded search has yielded a significant

amount of potentially responsive pages. As a result, the Parties request to stay this proceeding until all responsive documents have been processed by the FBI and released to Plaintiffs.

The Parties propose the following processing schedule: the processing of 500 pages per month, making monthly releases of non-exempt pages to Plaintiffs the 30th of each month, commencing December 30, 2021, until all records responsive to Plaintiffs' FOIA request are processed and all non-exempt records are released to Plaintiffs. Based on a quantity of approximately 3,660 pages, the FBI estimates approximately eight months to process and release non-exempt portions of these records. The Parties will file a Joint Status Report on or before August 30, 2022, to update the Court on the status of record processing and may submit a scheduling proposal for the remaining dispositive motions if production is complete.

WHEREFORE, the Parties request that the Court grant their motion and stay this matter for eight months, while the FBI continues to review, consult and, if applicable, produce non-exempt records to Plaintiffs.

Respectfully submitted,

FOR DEFENDANTS

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FOR THE PLAINTIFFS

/s/ David Glod

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